

REMARKS

At the onset Applicants acknowledge with appreciation the allowability of Claims 5-10 and 34-39. In response to the Final Examiner's Action, Applicants have canceled Claim 5. Applicants have amended Claims 1, 6-7, 10 and 14 to particularly point out and distinctly claim the invention. More particularly, Applicants have amended independent Claim 1 to include the limitations as recited in Claim 5. Claims 7 and 10 have been presented as an independent claim and has been amended to include the wording from independent Claim 1 before Claim 1 was amended to include the limitations of Claim 5. Since the Examiner indicated that Claims 7 represented allowable subject matter, amended Claim 7 and its dependent Claims 8 and 9 should also represent allowable subject matter. Similarly, the Examiner indicated that Claim 10 represented allowable subject matter and, therefore, amended Claim 10, presented in independent form, is allowable. Applicants have also amended Claim 14 and present the claim in independent format. Applicants respectfully request reconsideration of the application as amended.

A. Rejection under 35 U.S.C. §112, second paragraph

Claims 1-14 and 34-39 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and

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distinctly claim the invention. Specifically, the Examiner stated that Claims 1, 34, 36 and 39 recite an "extracorporeal system for an apheresis system" in the preamble, but the claim does not meet the requirements of an extracorporeal system because other elements of the system, such as pumps, rotor, tubing, catheters, reservoir, and a closed circuit, are not claimed.

Applicants respectfully traverse the rejection under 35 U.S.C. §112, second paragraph. The Court of Claims has held that "it is not necessary that a claim recite each and every element needed for the practical utilization of the claimed subject matter", and "[i]t is entirely appropriate, and consistent with §112, to present claims to only [one] aspect." Bendix Corp. v. United States, 204 U.S.P.Q. 617, 620-21 (Ct. Cl. 1979).

As such, in the pending claims, Applicants have claimed an ~~extracorporeal system for an apheresis system in the preamble~~. Further in the claims, Applicants claim novel elements of the extracorporeal system, such as a blood processing vessel and a support. These novel elements are aspects of the extracorporeal system. Furthermore, as held by the Court of Claims, it is not necessary that the claim recite each and every element needed for the practical utilization of the claimed subject matter, and it

is proper under §112 to present claims drawn to one aspect of a system. Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. §112, second paragraph, is improper. As such, Applicants respectfully request that the rejection be withdrawn.

B. Rejection under 35 U.S.C. §102

The Examiner has rejected Claims 1-4 and 11-14 under 35 U.S.C. §102(e) and indicated that Claims 5-10 and 34-39 were allowable. Applicants have amended Claim 1 to include the limitations of Claim 5. Thus, Claim 1 is now allowable and Claims 2-4, 6, 11-13, which depend from amended Claim 1, should also be allowable.

i. Claim 14

Claim 14 was rejected under 35 U.S.C. §102 as being anticipated by Williamson, IV et al. (U.S. Patent No. 5,360,542).

~~Applicants have amended Claim 14 to include the wording of Claim~~
1 before Claim 1 was amended. Applicants respectfully traverse the rejection of Claim 14.

Claim 14 recites an extracorporeal system including a blood processing vessel positionable in a blood processing channel having a blood-related port communicating with the interior of the vessel. A support is provided that interfaces with the

blood-related port and further interfaces in an overlapping relation with an exterior surface of the vessel. The support further comprises a means for disposing the blood-related port at a predetermined position in the channel that is independent of the portion of the vessel through which the port extends.

Williamson does not disclose a support which comprises a means for disposing a blood-related port at a predetermined position in the channel that is independent of the vessel through which the port extends. As such, the Williamson hinge 242 cannot anticipate the support as claimed in Claim 14. The Examiner referred to Figures 28 and 32 of Williamson, and more specifically to hinge 242 in relation to the support of Claims 1 and 14. In Williamson, the hinge 242 is laterally spaced from the vicinity where the ports 248 interconnect with the processing chamber 22 (see Fig. 28). The hinge 242 is used merely to retain

~~the processing chamber 22 in place on the spool 130 (see col. 15, lines 42-43).~~ In retaining the processing chamber 22, the hinge 242 is lowered to place tab 238B into a retainer 244 and capturing a notch 240B between the hinge 244 and the spool surface 134 (see col. 15, line 39-43). As such Williamson does not disclose or teach that the Williamson hinge 242 disposes a blood-related port in a predetermined position. Furthermore, the